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Judge Voids Quarry Permit, But Digging Goes on at Parleys Site

Saturday, August 10, 2002

BY THOMAS BURR
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Salt Lake County erred in approving an expansion of a limestone quarry in Parleys Canyon, a 3rd District judge ruled Friday.

The decision by Judge Sandra N. Peuler voids a conditional-use permit issued by the Planning Commission for a 50-acre enlargement of an existing quarry on the north side of Interstate 80 about two miles up the canyon.

Peuler's ruling clears the way for the environmental group Save Our Canyons -- which filed the suit -- to seek an injunction against further digging by quarry owner Harper Contracting and possibly seek remediation of the area already affected.

The company began enlarging the site from 11.5 acres to 62 acres shortly after securing county approval last August.

Without that permit, Harper apparently has no legal authority to continue the expansion.

"This addresses a longstanding problem and will set an important precedent," said Gale Dick, president of Save Our Canyons, which has about 1,000 members along the Wasatch Front.

Dick says the group would consult its attorneys about further action.

Despite the ruling, crews continued working on the expansion.

Joe Rust, attorney for Kearns-based Harper Contracting, said he is still reviewing the decision but noted it was unclear if the company had to stop excavation.

The judge "doesn't say what happens next," he said.


But, he stressed, "We're not satisfied with the result." Rust says the quarry's workers plan to show up for work Monday.


Harper cannot simply appeal the ruling, because the judge refused to add the company to the lawsuit.

In her 10-page decision, Peuler ruled that the county Planning Commission and Board of Adjustment failed to follow county ordinances in approving the project. Besides not defining the difference between mineral extraction and a gravel pit, the Planning Commission did not require a full permitting process, Peuler said.

"The vast scale of the increased project warrants the careful consideration required by the ordinances for land-use determination," she wrote.

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Peuler also said the Planning Commission did not address all required standards for development in the county's Foothills and Canyons Overlay Zone.

County Planning Director Cal Schneller had not seen the ruling Friday and deferred comment. "We will have to look at it and talk with our attorneys," he said.

The District Attorney's Office, which defended the county in the suit, and County Mayor Nancy Workman's office also declined comment.

County Councilman Russell Skousen, an attorney, says the order puts Harper Contracting's expansion work out of compliance with zoning rules. But the county could issue some type of grace period so the company could continue expansion while it seeks a new permit, he said.

"This ultimately may not change anything," Skousen said. "But, clearly, the county has to abide by its ordinances and procedures."

Councilman Joe Hatch says the decision may prompt the County Council to start reviewing zoning appeals before they become subjects of lawsuits.

"When a significant business wants to have a decision made that has such a big impact, shouldn't that decision be held to the highest standards and be made in a wide-open public process?" Hatch said.

Whatever happens, Save Our Canyons board member Dave Carrier says he hopes the county now will be more careful when it considers conditional-use permits.

"I'm still baffled about what they did," said Carrier, a plaintiff in the civil suit. County officials "ignored their own ordinances and then twisted the ordinances to allow this type of destruction."

Carrier says the 50 acres in question already have been damaged but could be remediated. So far, Harper has only scraped the surface compared with the large hole that could have been there, Carrier says. "It will certainly be better than what could have happened."

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